

Part C – Decision Under Appeal

The decision under appeal is the Reconsideration Decision of the Ministry of Education and Child Care (the “Ministry”) dated February 12, 2025, in which the Ministry determined that the Appellant was not eligible for the Affordable Child Care Benefit for the period between March 1, 2024, and October 31, 2024.

Specifically, the Ministry determined that Affordable Child Care Benefit may only be paid from the first day of the month in which the application was completed in accordance with Section 20 of the Early Learning and Child Care Regulation. The Ministry determined that the Appellant’s application was signed on November 20, 2024, and received by the Ministry on November 21, 2024.

Part D – Relevant Legislation

Early Learning and Child Care Act (the “Act”) – Section 4

Early Learning and Child Care Regulation (the “Regulation”) – Sections 9 and 20

Note: The full text is available after the Decision.

Part E – Summary of Facts

The hearing was held on March 24, 2025, in person with sign language interpreters for the Appellant. The Ministry attended by teleconference.

The Reconsideration Decision

This is the evidence before the Ministry at the Reconsideration Decision:

- The Appellant has been receiving the Affordable Child Care Benefit (ACCB) for her two children. As noted on her Benefit Plan dated October 30, 2023, the Appellant's previous authorization expired on February 29, 2024.
- On October 30, 2023, the Child Care Service Centre (CCSC) spoke to the Appellant via video interpreter. She advised that she is not working during summer and both she and her spouse are searching for work. The CCSC advised the Appellant that she will not qualify for ACCB if both she and her spouse's reason for childcare is searching for work. The Appellant advised that her spouse is currently receiving Employment Insurance. The CCSC advised her to submit a completed CF2933 ACCB Income Declaration if her spouse's income is not the same as in 2022. She stated she understood.
- On October 30, 2023, the Ministry sent the Appellant a letter via MyFS, advising her that her application for the ACCB had been approved, and the ACCB would expire on February 29, 2024.
- On January 22, 2024, a message was sent to the Appellant via her MyFS account by the CCSC advising, "Our [Ministry] records show you have a Benefit Plan ending in approximately 30 days. You may request to continue your benefit by using the link on your dashboard to renew or report changes. No action is required if you no longer require a benefit or have already renewed your Benefit Plan."
- On July 1, 2024, the Appellant's case closed due to inactivity for six months.
- On November 21, 2024, the Appellant sent a CF2900, ACCB Application via MyFS that was signed by her on November 20, 2024, and her spouse on November 21, 2024. She declared that Child One did not require childcare. She declared that Child Two is a child with support needs and requires childcare in a licensed group childcare. The Appellant sent a CF2798, ACCB Care Arrangement Form, but it was missing sections 5 to 8 on page 2. A message was sent to her via MyFS on November 25, 2024, asking her to resubmit a completed CF2798, ACCB Care Arrangement Form. A blank copy of the requested form was sent with the message.
- On November 26, 2024, the Appellant sent a completed CF2798 Child Care Arrangement form via MyFS. She requested childcare for Child Two, starting May 1, 2024, Monday to Friday from 7:00am to 5:30pm in a licensed childcare group.

- On December 18, 2024, the Appellant sent a message via MyFS asking for her ACCB to be backdated for June 2024. The CCSC tried phoning her back, but the phone number was not correct. The CCSC sent a letter denying the backdating request.
- On January 10, 2025, the CCSC talked with the Appellant via sign language interpreted by Canada VDO relay service. She was advised that her request for backdating was denied as her account closed June 20, 2024, due to no activity. She advised that she was not aware of all communication via the MyFS as her friend always helped her to reapply and send messages. She advised that she never looked for messages on MyFS. She stated that her child was in childcare from March to October 2024.
- In Section 3 of the Request for Reconsideration form the Appellant wrote the following:

Dear ACCB,

I applied for ACCB from September 2024 to June 2024 for both of my children. I believed ACCB was approved for daycare and preschool and daycare Sept 2023 to June 2024.

My son, (Child One) (Preschool)

My daughter, (Child Two) (Daycare)

I work from September to June each year, while my husband works year-round.

For July and August, I was informed by ACCB representatives that I had to cover daycare expenses myself because I was on EI. I understood this policy, as I was not working during those months. To ensure Child Two did not lose her daycare spot, I paid the costs for July and August 2024 out of my pocket.

However, in November 2024, Child Two's daycare contacted me to inform me that their payments had not been received. I was shocked and confused because I had no idea why or when the payments were canceled. I was not informed of this issue, despite returning to work in September 2024. When I called ACCB, they informed me that they had not made payments from March 2024 to November 2024.

Regarding Child One, his ACCB was approved for preschool from September 2023 to June 2024. However, I recently learned that benefits were not approved from March 2024 to June 2024, meaning his preschool fees were not paid? I was never informed of this issue by either the preschool or ACCB. If ACCB attempted to contact me by phone, I would not have been able to answer, as I am deaf. Unfortunately, I only became aware of this situation when Child Two's daycare reached out to me.

As a low-income family with both parents working, the rising cost of living makes it extremely difficult for us to cover these unexpected expenses from March 2024 to November 2024. Child One graduated from preschool in June 2024, and shortly after, his preschool closed due to a shortage of ECE teachers. They never contacted me about the unpaid payments.

I sincerely hope this reconsideration is approved, as this debt would put us in an even more difficult financial situation. We simply cannot afford it.

I also want to mention that my friend helped me write this letter because American Sign Language is my first language, and my English reading and writing skills are not strong. They also assisted me with logging into the ACCB system on the computer.

Thank you for your time and consideration. I truly appreciate your help and look forward to your response.

Sincerely,

[REDACTED]

The Appeal

On March 3, 2025, the Appellant filed a Notice of Appeal. In this Notice, the Appellant wrote, "I disagree with the Ministry's reconsideration decision. I believe there was a misunderstanding regarding ACCB on Canada video relay service, as I communicated through an American Sign Language interpreter. Since English is my second language, I may have been confused."

Before March 2024, my children were approved without any issues. I thought their funding was approved from September to June while my husband and I worked. However, I didn't realize there was a problem until the payments were stopped in March. My children's school did not warn me about the monthly payments, or I would have contacted ACCB immediately."

Neither party submitted additional evidence in advance of the hearing.

Oral Testimony

At the Appeal hearing, the Appellant stated the following:

- She applied for a renewal of her ACCB from September 2023 to June 2024 for both of her children, and she believed ACCB was approved for daycare and preschool and daycare from September 2023 to June 2024.
- She spoke to the CCSC in September or October 2023 to advise she was returning to work, and she assumed the ACCB was in place until June 2024 when she would go onto Employment Insurance at the end of the school year.
- She only became aware of a problem with her ACCB, when in November 2024, the daycare informed her that their ACCB payments had not been received. This caused her shock and confusion because she had no idea why, or when the payments were cancelled.
- When she called the CCSC, they informed her that they had not made payments from March 2024 to November 2024.
- If the CCSC attempted to contact her by phone, she would not have been able to answer, as she is deaf. Unfortunately, she only became aware of this situation when the daycare reached out to her.
- She believes the problem arose when in October 2023, she spoke to the CCSC and spoke to them via a Canada VDO relay service video interpreter.
- However, she understood from the video interpreter that the ACCB Plan expired in June 2024, and she confused the words "January" and "June" because they are so similar in sign language. As a result, she believed the ACCB was in effect until the end of June 2024 when the school year would be finished.
- "She did not really pay attention" until she heard from the daycare that they had not been paid.
- When asked a question from the Panel, she responded that she did not remember receiving the letter dated October 30, 2023, from the CCSC advising the ACCB expired on February 29, 2024.
- No one told her to look to MyFS online for communications from CCSC until November 2024, and she asked why she had not received paper-based communications.
- She did not understand the note in the Appeal Record stating that on December 18, 2024, she sent a message via MyFS asking for her ACCB to be backdated for June 2024, and the CCSC tried phoning her back, but the phone number was not correct.
- She stated that there was no voicemail record for this call. She did confirm that the Ministry's record of her phone number is correct, and the Ministry representative noted their log shows that it was not possible to leave a voicemail.

If the Ministry sent an email to say there was a message for her in the portal, she did not see it, and it may have gone to her "junk mail" folder, which she does not always check, especially because she expected the ACCB would continue until June 2024.

The Ministry representative referred to and relied primarily upon the Appeal Record and the Reconsideration Decision. In response to a question, they explained why the ACCB ended in February 2024 and did not extend to the end of the school year in June 2024. The Ministry representative stated it was not clear on the file; however, they assumed it was because one of the parents in this two-parent family was searching for employment. In that circumstance, the period of benefit is usually shortened.

The Ministry representative also explained that if a client uses the MyFS portal, further communications from the Ministry are sent by the portal, with an email notification to let the client know that a message has been sent in the portal; printed materials are not sent out to the client via the mail system. The Ministry assumes that the client's use of the portal is an indication of the client's choice to communicate that way. The Ministry representative in response to a Panel question confirmed that the Appellant was properly notified of the expiry of the ACCB both in writing on October 30, 2023, by letter and by a MyFS portal message sent on January 22, 2024.

Admissibility of New Evidence

The Ministry had no objection to the Appellant's oral evidence, and the Appellant had no objection to the Ministry's oral evidence. To the extent that the Appellant's and Ministry representative's oral evidence contained additional information, the Panel determined that such information was admissible as additional evidence pursuant to section 22(4) of the *Employment and Assistance Act*, as it was reasonably required for a full and fair disclosure of all matters related to the decision under appeal. More specifically, the additional evidence contributed to the Panel's understanding of the circumstances surrounding the Appeal.

Part F – Reasons for Panel Decision

The issue under appeal is the reasonableness of the Reconsideration Decision in which the Ministry determined that the Appellant was not eligible for an ACCB for the period between March 1, 2024, and October 31, 2024.

Appellant's Position

The Appellant submits that she should be eligible for an ACCB for the period between March 1, 2024 and October 31, 2024, because of a misunderstanding in a video interpreter conversation via Canada VDO relay service with CCSC, when she communicated through an American Sign Language interpreter. Since English is her second language, she may have been confused. The Appellant believed her funding was approved from September to June 2024, and she was never informed of any issue by either the daycare or CCSC. She only became aware of the situation when the daycare reached out to her.

Ministry's Position

The Ministry maintains that the Appellant is ineligible for an ACCB for the period between March 1, 2024, and October 31, 2024, for the reasons stated in the Reconsideration Decision. As per the Regulation Section 20(1), the Appellant's eligibility for the ACCB began on November 1, 2024, which is the first day of the month in which the application was completed. Further, payment of a child care subsidy may only be backdated 30 days from when the parent completes the application under Section 20 of the Regulation, if there has been an administrative error. The Ministry representative stated there was no administrative error in this case.

Panel Decision

Briefly, Section 4 of the *Act* outlines the Minister's authority to pay a benefit to or for the parent if the parent is eligible for the benefit on application by a parent and subject to the Regulations. Under Section 9 of the Regulation, a parent may apply for a child care benefit by completing and submitting to the minister an application in the form required by the minister. Under Section 20(1) of the Regulation, the Minister may pay an ACCB to or on behalf of a parent from the first day of the month in which the parent completes an application under section 9. Under Section 20(2) of the Regulation, if an administrative error has been made, the minister may pay an ACCB to or on behalf of a parent for child care provided in the 30 days before the parent completes an application under section 9.

It is significant in the Panel's view that the *Act* and Regulation clearly place the onus on the Applicant to submit a complete and accurate application, to establish ACCB eligibility and to ensure proper program administration by the Ministry. The Applicant is also required to respond to the Ministry's requests for further relevant information.

The Panel reviewed the chronology of events as follows:

- On October 30, 2023, the CCSC advised the Appellant to submit a completed CF2933 ACCB Income Declaration. She stated she understood.
- On January 22, 2024, a message was sent to the Appellant via MyFS by the CCSC advising her Benefit Plan would end in about 30 days, and that she may request to renew her benefit by using the link to renew.
- On July 1, 2024, the Appellant's case was closed due to inactivity for six months.
- On November 21, 2024, the Appellant completed her application (renewal) by sending an ACCB Application via her MyFS account, and on November 26, 2024, by sending a completed Child Care Arrangement form via MyFS. Her application was then approved.
- In a call via sign language interpreted by the Canada VDO relay service with CCSC on January 10, 2025, the Appellant advised CCSC that she never looked for messages on MyFS.

The Panel reiterates that the *Act* and Regulation place the onus on the Applicant to submit complete and accurate information to establish ACCB eligibility under Section 9 of the Regulation. The Applicant is also required to respond to the Ministry's requests for further relevant information under Section 9 of the Regulation.

Upon reviewing the available evidence and submissions, the Panel finds that, on October 30, 2023, the Ministry notified the Appellant that the ACCB would expire on February 29, 2024. Then, on January 22, 2024, a message was sent to the Appellant by the CCSC via MyFS, advising her Benefit Plan would end in about 30 days, and that she may renew her benefit by using the link in MyFS. While the Appellant says that she did not see the letter or the message, the Panel finds that, having applied for the ACCB through MyFS, it is reasonable for the Ministry to expect that the Appellant will receive messages sent through the portal, if the Appellant has not requested a different form of communication.

The evidence shows that the Appellant failed to follow up on a timely basis, and therefore on July 1, 2024, the Appellant's case was closed due to six months of inactivity for. It was not until November 21, 2024, that the Appellant contacted the CCSC, and only because her daycare contacted her to inform her that their payments had not been received. Only then was the Appellant pressed into action, by completing her application (renewal), sending an ACCB

Application on November 21, 2024, and a completed Child Care Arrangement form on November 26, 2025, all via MyFS.

The Appellant suggested that she was led to believe the ACCB had been approved through June 2024, because of a mistake by the video interpreter in telling her that the benefit would expire in January, which is similar to June in sign language. The Panel notes that the benefit expired on February 29, 2024, so it is unclear why the interpreter would tell the Appellant the benefit expired either in January or June. The Panel also notes that the Appellant took no steps to renew the benefit until the daycare contacted her in November 2024, which is inconsistent with the belief that the benefit expired in June 2024. As previously noted, the Appellant stated that she was confused about the expiration date of the ACCB Plan, explaining that she may have misinterpreted the information conveyed by the video interpreter and mistakenly believed that the plan expired in June 2024. The Appellant further asserted that the signs for "January" and "June" in American Sign Language are similar, which may have contributed to her misunderstanding. However, the Panel afforded limited weight to this explanation, as the ACCB Plan expired at the end of February 2024, not January 2024.

The Panel finds that the Appellant failed to take timely steps to renew her ACCB, despite reasonable steps taken by the CCSC to communicate with her. Her neglect to take the onus and initiative to follow up on renewing or even inquiring about her ACCB is the reason there was a gap in her ACCB coverage. As a result, the CCSC was reasonable in determining that the Appellant was not eligible to receive an ACCB, as provided for by Section 4 of the *Act*. The Panel also finds that the Ministry was reasonable in applying Section 20 of the Regulation; it paid an ACCB to or on behalf of a parent, from the first day of the month in which the parent completed an application under Section 9, namely November 1, 2024. Further, the Panel finds the Ministry was reasonable in finding there was no administrative error upon which the Ministry could pay an ACCB to or on behalf of the Appellant under section 20(2) of the Regulation, for childcare provided in the 30 days before the parent completes an application under Section 9 of the Regulation.

While the Panel acknowledges the Appellant's frustration and the personal challenges she faces, it finds that the Ministry's Reconsideration Decision finding her ineligible for the ACCB for the period between March 1, 2024 and October 31, 2024, was a reasonable application of the legislative framework in the Appellant's circumstances, particularly Section 4 of the *Act* and Sections 9 and 20 of the Regulation.

Conclusion

Appeal Number 2025-0072

The Panel finds that the Ministry's decision to deny the Appellant an ACCB for the period between March 1, 2024, and October 31, 2024, was a reasonable application of Section 4 of the *Act* and Sections 9 and 20 of the Regulation.

The Appellant is not successful on appeal. The Ministry's decision is confirmed.

Relevant Legislation

Early Learning and Child Care Act

Part 2 –Child Care

Division 1 – Financial Supports

Child care benefits

4 On application by a parent and subject to the regulations, the minister may pay a benefit to or for the parent if the parent is eligible for the benefit, for the purpose of reducing or eliminating the cost of child care to the parent.

Early Learning and Child Care Regulation

Definitions

“applicant” means a parent who applies under section 9 [applications and eligibility for child care benefits] for a child care benefit

PART 2 – ELIGIBILITY FOR CHILD CARE BENEFITS

Applications and eligibility for child care benefits

9 (1) Subject to subsection (2), a parent may apply for a child care benefit by completing and submitting to the minister an application in the form required by the minister.

(2) Only one parent in each family unit is eligible to apply for a child care benefit.

(3) An applicant is eligible for a child care benefit only if all of the following apply:

- (a) the applicant is a resident of British Columbia;
- (b) the child care for which the child care benefit is sought by the applicant is received for one or more qualifying reasons set out in section 10;
- (c) the applicant satisfies the citizenship or other requirements set out in section 11;
- (d) unless an exception under section 13 (2) applies in relation to the applicant's child, the applicant's family unit satisfies the income requirements set out in section 12;
- (e) the applicant and the applicant's spouse, if any, supply the minister with the information and records required under section 14;

(f) the applicant has completed and submitted an application form in accordance with subsection (1).

PART 3 – ADMINISTRATION AND ENFORCEMENT OF CHILD CARE BENEFITS

When child care benefit may be paid

20 (1) The minister may pay a child care benefit to or on behalf of a parent from the first day of the month in which the parent completes an application under section 9 *[applications and eligibility for child care benefits]*.

(2) If an administrative error has been made, the minister may pay a child care benefit to or on behalf of a parent for child care provided in the 30 days before the parent completes an application under section 9.

Employment and Assistance Act,

22 (4) A panel may consider evidence that is not part of the record as the panel considers is reasonably required for a full and fair disclosure of all matters related to the decision under appeal.

APPEAL NUMBER 2025-0072

Part G - Order

The panel decision is: (Check one) **Unanimous** **By Majority**

The Panel **Confirms the Ministry Decision** **Rescinds the Ministry Decision**

If the ministry decision is rescinded, is the panel decision referred back to the Minister for a decision as to amount? Yes No

Legislative Authority for the Decision:

Employment and Assistance Act

Section 24(1)(a) or Section 24(1)(b)

Section 24(2)(a) or Section 24(2)(b)

Part H - Signatures

Print Name

Bill Farr

Signature of Chair

Date (Year/Month/Day)

2025/03/27

Print Name

Susan Ferguson

Signature of Member

Date (Year/Month/Day)

2025/03/27

Print Name

Ken Smith

Signature of Member

Date (Year/Month/Day)

2025/03/27